

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JIM CAGE,

Plaintiff,

v.

A. JOHNSON, et al.,

Defendants.

Case No.: 1:22-cv-1429 JLT CDB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING  
CERTAIN CLAIMS AND DEFENDANTS,  
AND DIRECTING THE CLERK OF  
COURT TO UPDATE THE DOCKET

(Doc. 13)

Jim Cage seeks to hold the defendants liable for civil rights violations pursuant to 42 U.S.C. § 1983. (Doc. 1.) The magistrate judge screened the allegations of the complaint pursuant to 28 U.S.C. § 1915A(a), and found Plaintiff stated a cognizable Eighth Amendment excessive force claim against Defendant Rojas. (Doc. 10.) However, the magistrate judge also found Plaintiff failed to state any other cognizable claim against any other named defendant. (*Id.* at 5-8.) In response to the Screening Order, Plaintiff filed notice that he did not wish to file an amended complaint and was willing to proceed only on the claim found cognizable. (Doc. 11 at 5.)

The magistrate judge recommended this action proceed on Plaintiff's Eighth Amendment excessive force claim against Defendant J. Rojas. (Doc. 13 at 2.) The magistrate judge also recommended the remaining claims and defendants be dismissed. (*Id.*) The Findings and Recommendations were served on Plaintiff on the same date, and contained a notice that any objections were due within 14 days of the date of service. (*Id.* at 3.) Plaintiff was also advised that

the “failure to file objections within the specified time may result in waiver of rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) No objections have been filed, and the time to do so has expired.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

1. The Findings and Recommendations issued on August 4, 2023 (Doc. 13) are **ADOPTED** in full.
2. This action **PROCEEDS** only on the Eighth Amendment excessive force claim against Defendant J. Rojas.
3. All other claims in Plaintiff’s complaint are **DISMISSED**.
4. Defendants A. Johnson, E. Cortez, R. Rogue, A. Encinas, J. Ward and P. Actas are **DISMISSED** from this action.
5. The Clerk of Court is directed to update the docket.
6. The matter is referred to the magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: **August 25, 2023**

  
UNITED STATES DISTRICT JUDGE